

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10724 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

ARVINDBHAI RANCHODBHAI PATEL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 10724 of 2002
MR DN PANDYA for Petitioner No. 1
Mr.N.J.Shah for MR DN PATEL for Respondent No. 1
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CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 23/12/2002

ORAL JUDGEMENT

Rule. Mr.N.J.Shah for Mr.D.N.Patel for
respondent waives service of rule. With the consent of

parties matter is taken up for final hearing today.

2. The contention raised by the petitioner is that the passport is already issued. However, the birth-date initially in the passport is recorded as 12-5-1951 whereas the correct birth-date is 12-9-1951. The petitioner submits that an application is made to the Passport Officer, however, the authorities have declined to consider the same in the absence of any order passed by this court.

3. On behalf of Passport authorities it has been submitted that an error has been committed by oversight while issuing passport. If this court directs the passport authorities, they will consider the matter.

4. Mr.Pandya for the petitioner submits that in similar matters this court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the passport already issued or to issue fresh passport.

5. In view of the above, the respondent is directed to consider the case of the petitioner for change in birth-date from 12-5-1951 to 12-9-1951 in the passport of the petitioner bearing No.L186349 and to pass appropriate orders in accordance with law. The respondent authorities shall take decision within a period of four weeks from the date of receipt of writ of this court.

6. Upon enquiry, it has been submitted by Mr.Shah appearing for the passport officer that the petitioner had actually given his date of birth as 12-9-1951, but on account of the mistake committed by the office of the passport department, the date was wrongly mentioned as 12-5-1951 instead of 12-9-1951 and, therefore, in my view the petitioner should not be saddled with the cost of litigation and the passport officer shall pay the cost of Rs.2,500/= to the petitioner. It will be open to the passport officer to pay the cost from the fund of the costs, which are normally ordered by the Court at the time of considering the case for corrections of the birth date. Petition is allowed accordingly. Rule is made absolute.

Direct service is permitted.

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